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RECENT IMPORTANT DECISIONS.

BANKRUPTCY—JURISDICTION OF THE DISTRICT COURT EXCLUSIVE WITHIN ITS DISTRICT.—A trustee in bankruptcy appointed by the District Court for the District of Illinois filed a petition in the District Court for the Western District of Michigan for a summary order to require the respondent to surrender to the trustee certain moneys claimed as the property of the bankrupt. The respondent was a resident of the Eastern District of Michigan, and denied the jurisdiction of the court to issue an order to be enforced in another district. *Held* that the jurisdiction of the District Courts, in all bankruptcy proceedings, is exclusive within their respective districts and does not extend beyond, and that the order should have been petitioned for in the court of the district of which the respondent was a resident, which court alone, in the exercise of ancillary jurisdiction, had power to grant the order. *In re Rathfon Bros.*, (D. C. Mich. 1912) 200 Fed. 108.

Though presenting a different phase of the question of the jurisdiction of the Federal Courts in bankruptcy proceedings, the case was decided mainly on the authority of *Babbitt v. Dutcher*, 216 U. S. 102, 30 Sup. C., 372, wherein a petition had been filed in the Court for the Southern District of New York by the trustee of a bankrupt corporation domiciled in Missouri, for a summary order to require officers of the corporation, who were residents of the city of New York, to surrender to the trustee certain books of the bankrupt corporation. Since the bankruptcy proceedings were in the District Court in Missouri, the jurisdiction of the Court for the Southern District of New York to issue the order was questioned. The Supreme Court held that the court had such jurisdiction, as ancillary to the proceedings in the court for the Eastern District of Missouri. In the course of the opinion the court cited *Lathrop v. Drake*, 91 U. S. 516. This was a case arising under the Act of 1867, the particular section involved, however, being in substance the same as that of the present Act. The evident approval with which the language of the opinion was quoted in *Babbitt v. Dutcher*, *supra*, suggests that the court meant to be understood as regarding this jurisdiction as exclusive to the court within a particular district. That this was the scope of that decision was the view taken of the opinion in *Staunton v. Wooden*, 179 Fed., 61, 102 C. C. A., 355. The principal case does not raise the question of the jurisdiction of a District Court to issue a summary order against a person residing within its particular district, as ancillary to proceedings in the court of another district, but does present the question of the exclusiveness of such jurisdiction. The court held, rightfully it seems, that the jurisdiction of the court for the Eastern District of Michigan is exclusive within that district and that the courts of other districts can exercise no jurisdiction within its limits. In concluding its opinion the court said, "on reason, principle and authority, a trustee in bankruptcy in a proceeding of this kind, ought to be compelled to resort to the court within whose territorial jurisdiction respondent resides and the property sought to be recovered is located."